

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

WILLIAM LYLE NIBLE,

Plaintiff,

v.

JEFF MACOMBER, et al.,

Defendants.

Case No. 2:24-cv-01259-DJC-CSK

ORDER GRANTING PLAINTIFF'S
MOTION FOR EXTENSION OF TIME

(ECF No. 49)

Plaintiff William Lyle Nible proceeds in this action pro se.¹ Presently pending before the Court is Plaintiff's Motion for Extension of Time to Serve Summons on Defendant Alison Woodruff. Pl. Mot. (ECF No. 49). Plaintiff requests an additional twenty-one (21) days to re-serve Defendant Woodruff with the summons pursuant to Federal Rules of Civil Procedure 4(m). *Id.* at 3-4. Plaintiff states he served Defendant Woodruff with process on October 2, 2024 and was informed that service of Defendant Woodruff was improper when the Clerk's Office denied his request for entry of default as to Defendant Woodruff. *Id.* at 4; *see also* ECF Nos. 42, 47.

Under Federal Rules of Civil Procedure 4(m), Plaintiff has 90 days from the filing of the complaint to complete service. Here, the First Amended Complaint was filed on

¹ This matter proceeds before the undersigned pursuant to 28 U.S.C. § 636, Fed. R. Civ. P. 72, and Local Rule 302(c)(21).

1 July 1, 2024, so Plaintiff had until September 29, 2024 to properly complete service of
2 the First Amended Complaint. Though Plaintiff filed a summons returned executed
3 indicating that service was complete (ECF No. 19), this notice indicates that Plaintiff did
4 not properly execute service in compliance with Rule 4. Rule 4(c) requires the summons
5 and copy of the complaint be served on each defendant—by any person over 18 who is
6 not a party. Fed. R. Civ. P. 4(c). Accordingly, the Clerk’s Office denied Plaintiff’s request
7 for entry of default due to improper service on January 2, 2025. (ECF No. 47.) Because
8 Plaintiff learned of the defect in service as of January 2, 2025, the Court will grant
9 Plaintiff’s motion. As the Court has previously informed Plaintiff, Plaintiff must follow the
10 Federal Rules of Civil Procedure. See ECF No. 48 at 12 (“Plaintiff is further reminded
11 that future filings that do not comply with the Federal Rules of Civil Procedure, the Local
12 Rules, or the Court’s orders will be stricken.”)

13 Accordingly, the Court GRANTS Plaintiff’s Motion for an Extension of Time (ECF
14 No. 49). Plaintiff shall effect service of process on Defendant Alison Woodruff in
15 compliance with Federal Rules of Civil Procedure 4 no later than twenty-one (21) days
16 from the date of this order. Plaintiff must contemporaneously file a certificate of service
17 indicating the manner of service, what documents were served, and date of service.

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19 Dated: February 19, 2025

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21 CHI SOO KIM
22 UNITED STATES MAGISTRATE JUDGE
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